

COMMITTEE ON LANDS AND BUILDINGS

June 17, 2003

6:00 PM

Chairman Thibault called the meeting to order.

The Clerk called the roll.

Present: Aldermen Thibault, Pinard, DeVries, Garrity

Absent: Alderman Gatsas

Messrs: Paul Boynton, Robert MacKenzie, Tom Arnold, Jane Beaulieu,
Alderman Smith, Wesley Stinson, Tom Nichols

Chairman Thibault addressed Item 3 of the agenda:

Communication from Atty. Andrew Manning on behalf of Robert A. Demers requesting that the Board of Mayor and Aldermen rescind, repeal or otherwise amend the condition or restriction requiring consolidation of a parcel of land known as Map 504, Lot 2.

On a motion of Alderman DeVries, duly seconded by Alderman Pinard, it was voted to repeal the requirement for consolidation of a parcel of land known as Map 504, Lot 2.

Alderman DeVries asked that will now go to the full Board July 15th?

Deputy City Clerk Johnson replied yes, we will on July 15th.

Chairman Thibault addressed Item 4 of the agenda:

Communication from Paul Boynton of the Moore Center asking the City to consider transferring the former Highland Goffs Falls School to Moore Center Services, Inc.

On a motion of Alderman Garrity, duly seconded by Alderman DeVries, it was voted to move the item for discussion.

Alderman Pinard made a motion to accept the transfer of the former Highland Goffs Falls School to Moore Center Services, Inc. The motion was duly seconded by Alderman DeVries.

Alderman Garrity stated I think the intention of the Moore Center is they...I guess Mr. Boynton could probably better explain it. The history of the lease and things like that and the reason why you want to go through with this.

Chairman Thibault asked would you come up front please and state your name for the record?

Paul Boynton stated I am the CEO of the Moore Center Services in Manchester on Titus Ave. and we have a long-term lease with the City of Manchester for the Titus Ave. building which we use for program and administrative offices and we have submitted a request to the City asking them to consider transferring the property to us so that we can begin the feasibility study for capital fund drive to make renovations on the property.

Alderman Garrity stated I've had meetings with Mr. Boynton, it's in my ward. Maybe you could give us a history of how much you pay and the reason why it's important that the lease has expired.

Mr. Boynton replied yes. We have a lease that I believe is 50 years. I know that there is 19 years remaining on the lease for a dollar with the City of Manchester and we have...the building is reaching a place where we're going to have to invest a lot of money to renovate and make it accessible for people with disabilities. And what we want to do, and what we're looking at, what the Board is looking at, is to conduct a capital fund drive in Manchester to raise the funds to do the renovations and the belief of the people that are helping us with the capital fund drive is that if we go to the community and ask the community to financially support a building that we don't own, that would make the capital fund drive more complicated. That's what led us to this point. We, in a sense, can continue to use the building for 19 years with the present lease in place, but if we want to stay there and make it really functional and usable space then we would need to do the renovations that are pretty comprehensive.

Alderman Pinard asked we're going to sell all of our properties in the City, wouldn't it be wise for the Committee or the Board to have an appraisal done on that building before we make any comments of any kind?

Chairman Thibault stated well that's certainly a good point.

Deputy City Clerk Johnson stated I would just note for the record that the law requires that you get an opinion of value from the Board of Assessors with regards to this. It also requires a report from the Planning Department and a report from the Tax Collector, as part of the law. If you are not going to sell the property by public auction, you have to find just cause and you have to state your reasons why and if you're going to donate a property certainly that would be part and parcel of the same and the Solicitor could perhaps make further comment on that.

Alderman DeVries stated I just wanted to address Alderman Pinard's comments. I do not feel this property is going to fall into the same category of other City owned properties where they still have 19 years on the lease at a dollar a year. I think if they were looking at paying fair market value or whatever on the property, they would probably elect instead to continue their lease for another 19 years. In any case, I would make a motion that we consider donating this property...

Chairman Thibault interjected before we make a motion can I have a chance to speak after everybody has spoken? I'd appreciate that if I could.

Alderman Garrity stated from what the City Clerk just stated, I guess...I mean I would happily second that motion, but I guess the motion is not proper at this time. Is that right Carol? It has to go some channels?

Deputy City Clerk Johnson answered the law requires that you take a certain process. I guess that in that process one of the things that might help in terms of the recommendation that planning might want to put together, and Mr. MacKenzie is here if you want to address it, is that if you're going to put a restriction or anything on the deed in terms of the services to be provided by that property...or from that property, which might then contribute into the just cause category. And perhaps a discussion that you want to hold prior to Mr. MacKenzie submitting to the Board.

Chairman Thibault stated I would just like to say one thing. You know the City has given an awful lot of buildings away in the past, and I know that in some instances we have donated buildings but in fact they at least pay in lieu of taxes, they pay a stipend to the City. I believe that this will probably be something that would be a lot more palatable to the Board then to just to give it outright. Such as NH Planning and many others that I know that pay a stipend to the City which at least tells the City that we're not just giving everything away. Somebody has to commit themselves to a stipend per year. Now if in fact this Committee and the Board of Mayor and Aldermen decide to give you this building, if you could see fit to let's say reimburse the City by a stipend, and maybe Mr. MacKenzie might be able to allude to that a little more than I can. I think that this would be a lot more palatable to the Board. So it's something that you should be thinking of and

we'll be looking at that. But if the Committee wants to make a motion after I get done, after we call Mr. MacKenzie up.

Alderman Garrity stated I just want to respond to your comments Mr. Chairman. I don't say that we're going to give it away, I think it was given away in 1970 for a dollar a year. A dollar a year lease. It's already been given away. The building is in need of some repairs and updating of ADA requirements. The Moore Center is great neighbors. Never have a problem with the neighborhood with them, but to say that we don't want to give away...we gave it away in 1970, okay for a dollar a year for the lease. I guess my next question is, is if we were to relieve them of that lease, would it be a taxable property if they took over the building? Would it be a taxable property to the City?

Chairman Thibault replied I imagine it could be sold to anyone.

Alderman Garrity stated no let's say Moore Center...let's say we get rid of the lease. You don't have to pay us a dollar a year anymore. After that happens, would it go in the tax rolls?

Chairman Thibault replied well I don't know. Bob is there a way you could enlighten the Committee here a little bit Bob as to exactly what happens and what could happen? If you would?

Robert MacKenzie stated this particular organization is a non-profit corporation. Normally they would not pay property taxes to the City if they own their building, and there are a number of non-profits in the City that do not pay property taxes. There's a few non-profit organizations that pay a payment in lieu of taxes. Of course they may not have a plan for any type payment in their budget, but that's something that perhaps staff discuss with the Moore Center. I think the only other point; our office would normally look at two things. Is this property surplus to City needs? And generally my familiarity with the location and the property I do not see any other City purpose for it. But as is raised by the City Clerk there is a procedure. Normally you would have to sell it for the fair market value of the property. This is a little bit different because there is a one-dollar lease for 19 years; but then again after 19 years it would be City property that could be sold. And the only caution I have is that there may...if the Board does have a strong public purpose to donate the property to this organization, that we may want to look at something like reverter clauses. I'm familiar with, and people remind of a property in the City that was sold by the City for one dollar and recently in the last couple of years the City wanted to go purchase that and were told that the value is \$125,000. So to protect future public, there may be some role for reverter clause. Let's say ten years down the line Moore Centers owns it, non-profit goes out of business and they sell it to a private developer. In theory the City would have

been loosing out on those potential future revenues that were sold. So I think the two issues are, is there some protection for the City if it is sold that if they turn around in ten years and sell it that there's some protection for the City. And the second is, would they be willing to consider any payment in lieu of taxes.

Chairman Thibault stated well two questions that I think you people should consider and if possible I would like the Committee to consider what Bob has just said, and that we send this to possibly the legal department as well as the Assessors, if I can entertain a motion to that.

Alderman Garrity stated just one more question and I don't have a problem sending it through the proper channels. Bob could we possibly get a list of all the non-profits in the City that give us a payment in lieu of taxes and what that payment is?

Deputy City Clerk Johnson stated the Assessors can provide that.

Alderman Garrity replied maybe that would be helpful.

Chairman Thibault asked does anybody want to make a motion that we send it through the proper channels? Maybe to the legal department as well as the Assessors to evaluate the property and find out where we're at, while these people also look at the suggestions that were brought out here tonight and come up with some kind of a recommendation if any.

Alderman Pinard moved that this item be forwarded to the City Solicitor's office and the Assessors to evaluate the property, look at the suggestions discussed, and possibly bring a recommendation back to the Committee. Alderman DeVries duly seconded the motion.

Alderman DeVries stated I would like to add to that that they also consult with the Planning Department.

Deputy City Clerk Johnson stated Planning has to be part of the legal process.

Chairman Thibault asked you'll take care of that Carol?

Deputy City Clerk Johnson replied yes we will. Might I suggest that Mr. Boynton contact Mr. MacKenzie?

Chairman Thibault called the question and it was approved with a unanimous vote.

Chairman Thibault addressed Item 5 of the agenda:

Communication from Deputy City Solicitor Arnold regarding a proposed revocable license allowing Mr. Leo Bernier to erect a storage shed on City property by the Amoskeag Bridge.

Alderman Pinard moved to allow Mr. Bernier to erect a storage shed on City property by the Amoskeag Bridge with the provision of the City Solicitor. Alderman Garrity duly seconded the motion for discussion.

Alderman Garrity stated I know this has been on the agenda previously and Mr. Bernier was supposed to go through some channels with the Building Department and City Solicitor and have all of those requirements have been met?

Chairman Thibault replied as far as I know those that's all been done, well according to your agenda. If you look at your agenda here, I think it's all been met. Hasn't it?

Alderman Garrity stated I've got one page here.

Deputy City Solicitor Tom Arnold responded I think that the instructions from the Committee at the last meeting were to have me draft a form of license for the Committee's consideration. I have done that, and it's included with your agenda materials.

Alderman Garrity asked and then you met with the Building Department also? I think that was one of the requirements.

Chairman Thibault stated as far as I know it's all done.

Mr. Arnold replied I don't know whether he has met with the Building Department or not.

Chairman Thibault stated as far as I know if you look at your package I think it's all done now Alderman and the legal department ruled the would give the City the right to do whatever it has to do.

Alderman Garrity replied right. If we want him to remove it, he has to remove it, right?

Chairman Thibault called the question and it passed with Alderman DeVries voting in opposition.

Chairman Thibault addressed Item 6 of the agenda:

Discussion of the purchase of property located at Bass Island East.

Deputy City Clerk Johnson stated I believe Ms. Beaulieu is here to address that for you.

Chairman Thibault asked Jane would you like to speak on this? If you would please come to the mike?

Jane Beaulieu stated I'm here with Wes Stinson who is an archeologist and also on the Bass Island Advisory Board and he is the Director of the Sergeant Museum. You want to go through the information I supplied you with. Again this is information. Just wanted to have all of you look this over. We can start with the information the Poscatequa River Corridor. If you look through Bass Island you can see that it said NH DES designated river, historic significance, and part of a connection to all other parks the Poscatequa Trailway. The next letter was given to me by the Chairperson for the Conservation Commission in support of the land preservation project. If you wanted to read through the letter, if you have any questions what they had to write. Basically they wanted to show support that they're willing to do what needs to be done to turn this into public space. The next letter is a letter that was sent to the Zoning Board back in 2001. This was around the time that Henry's Auto Body was proposing to build on the island, and this is very interesting. It's all about the history of the island and also the blacksmith shop. So it has great historic significance. Did you want to comment on the historic significance at this point Wes? No okay. The next letter is a letter from the CEP Committee signed by Tom Segal and this was back in 2002. There is \$100,000 set aside through CEP funds to assist in the purchase of Bass Island. The next page, they are quite small, but these are two letters of support. Roughly about nine months ago my friend Gordon Russell and I wrote an LCHIP grant looking for \$450,000 to assist us in purchasing the land. It was rejected, but there are two letters, one from the Mayor supporting the passive park project, the preservation project, and also a letter from Bob MacKenzie in support of the project also. The next letter is a letter from the Poscatequa River Local Advisory Committee. The Committee was established...it's a review committee and this is the local advisory committee that looks at what is going on in this section of the river, the mouth of the Poscatequa River as well as Derry, Francestown, Goffstown, Lyndborough, New Boston, and Weare. Again there's a little bit of information about how they feel about the development of the property and also they're in support of a land preservation project for public use. The next page is just a State designated river, it shows you when that was nominated. The next letter is just a statement from Gordon Russell who is the co-founder of the Poscatequa Watershed Association referencing the historic and cultural and

natural attributes. The next letter is a letter signed from Carl Netsch who is the owner of the blacksmith shop and Carl and I have been meeting for over six years since he's closed the blacksmith shop and he is really eager to work with individuals, non-profits, anyone that would purchase his blacksmith shop and restore it for historic preservation. So there's a letter in support of that. The next letter is a letter from the Trust for Public Land. The Trust for Public Land assists non-profits, government agencies, landowners, in making it all happen. They have been working with this preservation project, myself and Gordon Russell and the Committee and they had been negotiating with the landowner, actually with the realtor who is representing the landowner. And they had been communication with them for roughly six months to nine months and they were working out issues. They had an assessment done on the property and they were going forward with working with out committee to identify funds and then to work with the realtor and the landowner to secure the property. I do have to let you know, which I think probably some of you do know, is there is a letter of intent to build a restaurant on the property. So at this time the Trust can not speak because they need to be working with the landowner without a letter of intent. They can't step in at this time but they will. The next is just a list of the Bass Island Advisory Board members and we are ready to begin a capital campaign to raise funds to assist in purchasing the property. The next letter is a letter from the South NH Planning Commission and this again was written in 2001 and this was brought forward to the Zoning Board when Henry's Auto Body was looking to build. They basically stated that in the natural and cultural resources inventory revised of 1999, Bass Island is listed as land to be protected. Does anybody have any questions about this information here? Where I'm going with this?

Alderman DeVries asked so currently there is a letter of intent on the property? Is the property owner present?

Ms. Beaulieu answered the property owner Carl Netsch could not be here because he just had cataract surgery. The property that's under agreement is...there is a proposal out there to build a restaurant and there's a lease that's pending and the lease is pending on site review from Conservation Commission, rivers, local advisory, everybody that pretty much I listed here. And the landowner I did meet with about a month ago and he really could not talk to me because there was a letter of intent. But what happened was, the Trust for Public Land was negotiating with the landowner and...I've been working on this for about three years and it's not for myself, it's for the general public. And Ron Bouffard who is the realtor representing the James McDowell, who is property owner, was working with the Trust and he pulled the rug from underneath the Trust for Public Land because he wanted to work with the developer instead. It's going to be a lease agreement if things do go forward.

Alderman DeVries stated I guess I'm just a little bit confused. How can we help you here today? What's the next step?

Ms. Beaulieu answered well I know...I've been in and out of the Planning Department for several years and served on the Conservation Commission for 15 years and I've been up to the State several times, and I want to prove that any development on the property is improper land use. And I didn't really know where to go, where to start, but I wanted the Lands & Buildings Committee to be informed as to what I am trying to do. The process may have to, they may have to proceed with the Conservation Commission and the Planning Board, but I consulted with the Conservation Law Foundation and they're willing to assist in proving that any development on this historic property is improper land use. And if we...so I'll stop there. So I'm not really sure what you can do, I guess, just as an advisory board can advise me, or you know where we can go from here.

Alderman Smith stated I'll try and clear up some of the information. As you well know that Jane and I have worked very, very hard on this conservation program and Bob MacKenzie's here now. I can tell you that a plan has been submitted by a restaurant chain and the developer is right now talking to the restaurant chain. I don't know what this Committee can do, but Jane and I think it should be used for what should be recreational purposes and so forth, and right now may Bob MacKenzie can enlighten us because I think it's going to come before the Board July 15th.

Chairman Thibault stated before we bring Bob up here I'd just like on question that I'd like to have answered Jane. You said something about Southern NH Planning Commissions. I sit on Southern NH Planning Commission and I notice here that in the letter that was sent, the property that Ms. Beaulieu described as shown as Bass Island east on the map, is part of an unprotected, unprotected land inventory. The City may wish to add these lands to their protected lands inventory through conservation easements or some other protection measure. I just wanted to bring that out to let the rest of the Committee know that I thought you said it was a protected area and I just wanted to have everybody know that it was an unprotected area.

Ms. Beaulieu replied right. It's a designated protected river.

Chairman Thibault asked so Bob if you would please give the Committee some idea as to where we're at with this?

Mr. MacKenzie stated we expect this application will be coming to hearing in July. They do have certain due process and legal rights to apply if they have approval by the owners of the property. They probably have some purchase and

sale agreement on the property in order to move forward. This property potentially can be developed. One other development, the auto body shop, did not proceed on that site. There are a lot of particular issues with that and difficulties. It's also a more unusual site because it's in the regulatory floodway, which is a special flood zone, and they will have to go through a special process with the Planning Board to demonstrate that they will not impact on the height of any floods in that area, which could then impact on adjacent property. We've never done that before. That will come down to an engineering evaluation and perhaps a legal evaluation, but I can't say that it's impossible that there would be an approval on that property.

Chairman Thibault asked so Bob is there any direction that we could give this group as to what they should...what should their next step be? To wait until this goes through or to try to stop it?

Ms. Beaulieu asked Bob can I ask you a question about land use? Proper land use? I studied the rules and regulations handbook from the State of New Hampshire and this is certainly improper land use. How do you define improper land use in the City?

Mr. MacKenzie answered the land use is interpreted by the Zoning Ordinance. The Zoning Ordinance tells each property what they can and can not do with their individual pieces of land. There have been parcels for example that have been natural forest tracts that some might argue should be preserved, but the zoning is the legal instrument that controls what can be built there. In this case it's zoned for business. In theory the business that there is proposed is a legal land use under the Zoning Ordinance.

Ms. Beaulieu asked what about the overlays?

Mr. MacKenzie answered the only overlay is the regulatory floodway and that's the one that I mentioned that they would have to demonstrate through an engineering evaluation that there'd be no impact on the flood height. But there are no other overlay zones on that particular island.

Ms. Beaulieu stated the master plans that the City works on. How does the Planning Board interpret the master plan, or how do they work with the master plans? General.

Mr. MacKenzie replied they would use the master plan in preparing new zoning ordinances. They would also make recommendations to the Board to purchase parcels if they were key parcels identified in that master plan, which the City has done in a number of cases. Purchased property for either conservation or park use

or other uses. But they do not have any legal authority to stop a development that may be identified in a master plan that should be parkland.

Ms. Beaulieu asked if you go through the next...

Alderman DeVries stated I have a question of Mr. MacKenzie. If...and I certainly understand that we in no way can infringe on the rights of a private owner. But is there a way that we might draft a letter at this point indicating that where we do have a source of funding to intercede, should the owner decide to make the property available for park or conservation purposes, is it possible for us to draft a letter. I realize we did a very brief one previous, but maybe going into more depth and detail that would be supportive of that process should the property owner decide or have a need to back up just to give more emphasis that we would support that effort?

Mr. MacKenzie answered there's kind of two parts to that question. If the Board of Mayor and Aldermen said that rather have that public land than private development, that's not a legal basis that the Planning Board could deny the application.

Alderman DeVries replied I understand that.

Mr. MacKenzie continued but if the Board could talk to the owner and indicate they wish to purchase the property and the owner would consider that, then the owner could withdraw the application for the private development. Yes, so the Board could draft something that might have an impact in the sale.

Chairman Thibault stated Bob maybe Jane would know this or you, I'm not sure. Has there been an evaluation as to what this property is worth? What are we talking about here exactly?

Ms. Beaulieu answered I know that its listed for \$700,000 and I'm not sure what it was assessed at. Are you familiar with that? There is information...right now it's on the books for \$226,000.

Chairman Thibault asked you mean through the Assessor's Office?

Ms. Beaulieu replied yes.

Chairman Thibault stated all right, and if I heard you right there was a \$100,000 grant or money that already been raised?

Ms. Beaulieu answered well there's \$100,000 that was set aside through the CEP funds to assist in purchasing the property because we met several times and you know all about the CEP program, and there is a land protection portion of it. And they have identified that Bass Island is worth protecting and they do have monies set aside for it. There is also, if you go through the second package here, I'll just give you a little bit more information. It will be quick. The proposed project is to buy the two parcels, which is James McDowell's parcel and the blacksmith shop. It protects the east portion of Bass Island, it preserves a valuable historic site, enhances west side neighborhoods, and engages the Manchester community. The next is this property has been listed in four City planning initiatives. The first one is the riverfront study is included, these are all included as a passive park; Bass Island was. The City of Manchester Master Plan, the Riverfront Development Plan, and the Gateway Corridor Study. Let me just note on the Gateway Corridor, that there is a gas light district that is part of the Gateway Corridor and these properties are set aside for restaurants and retail, so I don't know why restaurants we can't encourage when they come to the Planning Board, I don't know why we can't encourage and just stick to studies or encourage people to use the space that they've designated to be retail or restaurant use. The next page is the Riverfront Development Plan; you can see how Bass Island is listed there. And then just photographs of what the land looks like now. There has been a lot of hours spent on putting together this information and getting support from City agencies, from State agencies, from community; this is just a conceptual master plan that was drawn from Randy Knowles...

Chairman Thibault interjected but Jane I think, not to stop you, but this one thing that comes to mind that sticks into my head, we certainly will have to have a legal interpretation into exactly how we can proceed, because of the demand that was made by whoever, that developer or whoever that was. Tom is there a way that you can give us some idea?

Mr. Arnold replied I think that Mr. MacKenzie pretty much laid it out for the Committee. This is private property, it's in private hands, it's subject to the zoning ordinance. Within the provisions of that zoning ordinance the developer is subject to review by the Zoning Board of Adjustment if necessary or the Planning Board for site plan review. The owner is free to develop it within the confines of the zoning ordinance. Now the City of course could look at taking the property through eminent domain. Now that of course requires a finding of public necessity and public purpose. That is as you know a procedure that goes to the Board of Tax and Land Appeals and appealed to Superior Court, perhaps the Supreme Court, but in the end it does require the City to pay essentially the fair market value of that property which is usually established by appraisals. That of course is not the same as the assessed value for tax purposes. So certainly that could be done, but as I say once you undertake that process you've got to make the

money available to do the purchase at whatever the value the Board of Tax and Land Appeals, or ultimately if either party I guess wants to appeal to a Superior Court jury who decides the value of that property.

Chairman Thibault stated Tom in following Alderman DeVries' what she just said about the fact that could the owner possibly be contacted and asked if the City would go in that direction, is there a way that that could even be looked at? Bob or Tom, whoever can answer that.

Mr. Arnold replied certainly if the Committee or the Board of Mayor and Aldermen chose to do so, a communication could be sent to the property owner indicating some interest, but I would think that sitting from the property owner's perspective, he's of course, free to either take it into account or ignore it. I wouldn't think that putting myself in his shoes insofar as I could, would be very, very interested without knowing that there's money available to pay for the property.

Chairman Thibault stated I understand. Tom Nichols I just wanted to know if that property had been evaluated in the last several years? The Bass Island east side? That's all right. I don't think it's that important right now, I just wanted to know if it had been.

Ms. Beaulieu stated I just wanted to comment. The landowner can not be contacted. It's the realtor that needs to be contacted. And the Trust for Public Land is very willing to spend the time and to spend the money to make this happen and that's what this letter is, and that's why they had been working with me for many, many months.

Chairman Thibault asked so are you saying that you would be making that contact, rather than us?

Ms. Beaulieu answered no. I just wanted to let you know that you needed to contact the realtor and not the landowner.

Wesley Stinson stated I'm with the Sergeant Museum. I think we got here because of the \$100,000 from CEP. The indication was that they wanted this Committee to work with the Land Trust. I think one thing that this is a sort of preemptive preparation meeting and in case something breaks all of a sudden there is the possibility of negotiating that you're up to speed and you know what's happening perhaps and you could speed up the process if there is an opportunity.

Alderman Garrity asked Jane is it the intention for the Land Trust to buy the land?

Ms. Beaulieu answered what they do...there is a little bit of information about how they work and what they do, and what they had been doing, is they had been identifying funds out there, federal, state, private and once they've identified the funds that are out there to purchase, then they're ready to step in and purchase the property. And they were just about ready to do that and the landowner and the realtor just pulled the rug from underneath them. And it's very discouraging because the realtor is from Manchester, the attorney is from Manchester, the landowner is from Manchester, and I think we all need to act responsibly and I think we can be creative, I think we can certainly do everything legally... I think what I'd like is support and again all the information that I've provided is really all of the information.

Alderman DeVries stated I would once again suggest that we instruct staff, be it legal or maybe coordinate legal with the Planning Department to address to the realtor, and they can coordinate that through Jane, to let them know that should there be the opportunity for the City to intervene on this process, that between the Trust for Public Lands and this is the second priority for the I93 mitigation, as stated previously. So the City has already addressed a desire to save and conserve this property. There is several sources of reimbursement to the Trust for this property as well as the fund raising that you've mentioned previously. I don't believe the letter that we drafted previously was quite glossy enough and I think we can beef that up a little bit and let them know should there be the opportunity for the landowner to break into the contract with the realtor, that the City has an interest in this property.

Alderman DeVries made a motion that this Committee make a recommendation to the Board that staff be instructed to draft a letter to the realtor stating that the City has an interest in this property.

Alderman Garrity stated Mr. Chairman just an editorial comment. I'm in favor of the motion. If anybody takes a look at Nutts Pond down in the south end of Manchester off from Gold Street, you'll see what over development does with the resources of the City. I think it's worth looking and getting serious about it.

Chairman Thibault called for a vote on the motion and it carried unanimously.

Deputy City Clerk Johnson stated Mr. Chairman we would just note that that motion is a recommendation that would go to the Board and the Board can send the letter. That is the way this would work and the Board will not meet until July.

Alderman DeVries asked when is the Planning Board hearing. The beginning of July. Wouldn't it be before our next meeting? Could we do a phone poll or something possibly to address that rather than...?

Deputy City Clerk Johnson asked poll the Board?

Alderman DeVries replied the full Board just so it's on record for the Planning Board.

Deputy City Clerk Johnson stated we will submit the report of the Lands & Buildings Committee to the full Board and we will then conduct a phone poll. I believe that it would be helpful if we have a letter from Planning and Solicitor's drafted to attach to the report.

Chairman Thibault addressed Item 7 of the agenda:

Discussion regarding list of City owned properties.

Chairman Thibault called for a five-minute recess.

Chairman Thibault called the meeting back to order.

Deputy City Clerk Johnson stated Mr. Chairman first of all I would note for your information that Assessor Nichols has distributed to the Committee a listing of payment in lieu of taxes that was requested a short time ago by one of the member. What we have distributed to you are a few different communications all...and I will refer to the legal sized handout first. What we have been doing is trying to compile a listing of City owned property and that list was 58 pages yesterday. I've been working on it for two days now and at five o'clock this afternoon I printed what you have in front of you, and we have consolidated that somewhat so that as the list goes on it breaks it out in different ways. The initial portion of the listing is strictly City of Manchester properties that have not...some of which have been identified and some of which have not been identified. In bold print under some of the items you will see little notations. Those are things that we have added from what we first got about a year ago. We've been working on this for some time. Following the City of Manchester properties is City of Manchester Tax Collector properties. These would all be tax-deeded properties. And I am going to refer you to specific properties in a little bit, and then lastly at the end of the list are just various departments tied to City properties, which includes the Park land, or it should have included the Park land, that's not here. It didn't print the whole thing. We have a listing of park land and other items as well. We weren't going to do anything I don't think with much of that tonight anyway. So, with that, I guess what I would like to do is to bring your attention to a couple of specific parcels and the first one which I'm going to mention is one that you have a communication from the Tax Collector on. This is the list you're on. Though we have a letter from the Tax Collector, and she is requesting that the City dispose in

order to auction one particular parcel of property. And that is 567 Granite Street, which is one of the properties listed under the Tax Collector.

Chairman Thibault asked 567 Granite Street? What page is that on?

Deputy City Clerk Johnson answered it's on a letter that I also distributed to you. On Joan's letterhead. It's a tax-deeded parcel that she has recently taken and there was some work by the Board to try and convert that to someone else and that did not pan out. Her recommendation is to send it to auction. We would need the reports from Planning and to have the Committee find it surplus.

Chairman Thibault asked isn't this the property that you and I were talking about this morning?

Deputy City Clerk Johnson replied yes it is, and I have reviewed it with the Solicitor and he agrees with the recommendation at this time.

Chairman Thibault stated whatever the Committee decides.

Deputy City Clerk Johnson stated the minimum bid would have to be set by the Board of Assessors, it would be subject to them setting a minimum bid value for the auction.

On a motion of Alderman DeVries, duly seconded by Alderman Pinard, it was voted that the Committee find this parcel surplus and forward it to the Board.

Deputy City Clerk Johnson stated we also have, and perhaps the Assessors can come forward on this as well. There has been discussion about a couple of particular sites that had been brought to my attention and I requested some reports, which I have yet to receive. One in particular was the properties on Riverdale Avenue and I believe Tom Nichols is here and perhaps he can address it because I know that they were out at the site. Those are listed under the Tax Collector and I'll find the page for you.

Alderman Garrity stated and I believe Alderman Garrity's got a question on that. We'll ask him in a few minutes. Why don't we let Tom Nichols go through Alderman?

Assessor Tom Nichols stated Steve and I toured the facilities today and first of all the one up on Wellington Road, we don't even know whether the City wants to sell any.

Deputy City Clerk Johnson interjected we're only talking about Riverdale right now.

Mr. Nichols stated there were five or six parcels down on Riverdale Ave. So if you go to Map 680, Lot 1...

Deputy City Clerk Johnson interjected they are listed on Page 13 of the report that I gave you.

Mr. Nichols stated we found this to be a desirable lot, on the waterfront. It is 60 X 90, we don't know whether it is buildable or not. It's going to take us more time to go through it with the Building Department and the Planning Board.

Chairman Thibault asked 60 X 90, is it landlocked Tom?

Mr. Nichols answered no it is right on the water, but I don't know what the setbacks are or what the requirements are.

Chairman Thibault asked but we would have to get an okay from the Building Department, is that what you're saying here?

Mr. Nichols replied we gave the list to Leon this afternoon. He's been checking on it.

Deputy City Clerk Johnson stated you could have a motion to have the report submitted at your next meeting because you are planning before the end of the month.

Chairman Thibault stated all right why don't we do that. Somebody make a motion to that effect?

Alderman Garrity stated I'm going to speak to all the properties down on Riverdale Avenue. I received numerous phone calls today from the neighborhood, and found out from them that this was coming up for discussion tonight and that disappointed me. There's lots of issues down there that need to be addressed. Number one is the wildlife issues down there. There's deer down there, there's wild turkey, it abuts the river. Number two is some of these lots I assume abut the railroad tracks. Is that correct?

Mr. Nichols answered there are two of them that abut the railroad tracks. That's right.

Alderman Garrity stated I believe those create some safety concerns. I mean that track is used a good amount of time and that's where the coal train goes right through there. Also there's some culverts down there, some drainage issues into the river, it abuts the river. I've spent some time down there. As a matter of fact I was down there this evening at five o'clock walking up and down Riverdale Avenue, and I believe this is a piece of Ward 9, a piece of the south end. The south end that we really don't protect in this way a lot because there's a lot of development down on the south end. I think it's a jewel for the south end down there in that area and it would be my recommendation that all the properties listed on Riverdale Avenue be sent to the Conservation Commission for review. I will make that in the form of a motion Mr. Chairman.

Chairman Thibault stated before you do, can I just say one word. The Conservation...we have sent things to the Conservation Commission before and waited like a year or so and still have not gotten answers. I think that this is something that we have to look at and decide what we're going to do. So I just wanted to make the Committee informed of that so they can make the proper decision.

Alderman Garrity stated Mr. Chairman these lots are already owned by the City, okay. I think the turn around time for the Conservation Commission is going to be quick. If anybody has a chance on this Committee to go down in that aware of Ward 9, it is off from West Mitchell Street. I think is going to be a quick turn around time for the Conservation Commission. The City already owns the land, we don't have to buy any land, we can preserve this land. Ward 9 lacks a sizable park.

Chairman Thibault stated why don't we put a limit as to how long we can wait.

Alderman Garrity stated well I would make the motion that we do not put these...if you're not going to accept that motion Mr. Chairman I will make a motion that we do not put these particular properties on Riverdale Ave. up for sale and save them for conservation. And I'll make that in the form of a motion at this time.

Alderman Garrity moved that the parcels of land on Riverdale Avenue as discussed not be put up for sale and to save them for conservation. There was no second to the motion.

Alderman DeVries stated I would like to hear from the Conservation Commission on the riverfront properties in the Riverdale area. I would caution Alderman Garrity though; I have been waiting on some City owned property from them for about six months now so. As the Chairman says it does take a while to get some

information back, but maybe we could ask them to prioritize that and give us some feedback as well as get...

Chairman Thibault asked 60 days? Or put a time limit on it? If it's important put a time limit on it.

Alderman Garrity asked are we allowed to do that in our capacity towards the Conservation Commission or not?

Deputy City Clerk Johnson answered you can request that the report be received within how ever many days. Thirty days or...

Alderman DeVries asked why don't we initiate the other, you know finding surplus and the other at the same time? Would it be a problem if we initiate the other actions at the same time so they come back and say that it's not suitable for conservation?

Chairman Thibault interjected let's give them a time limit.

Alderman Garrity asked Mr. Chairman may I speak to the time limit? My colleague to my right, Alderman Pinard, I think 30 days is unrealistic in the middle of the summer. I would encourage my colleagues to go 90 days, 60 days, but 30 days I think is unreasonable at this point. That brings us into July and the middle of August. How about September?

Alderman DeVries asked why don't we split the difference and ask if they could possibly give us some indication within the next 45 days? If not, a full report.

On a motion of Alderman Garrity, duly seconded by Alderman DeVries, it was voted to request a report on the Riverdale properties from the Conservation Commission within 45 days.

Deputy City Clerk Johnson stated another one that I might bring to your attention is, we did receive a communication from a James Bennett, which I also distributed to you. He is looking to purchase the property in Ward 8, Map 779, Lot 14. This has not gone anywhere as of yet for reports. We might suggest that we get reports back by the next meeting and you request that of the departments, which would be next week.

Alderman DeVries asked I'm sorry, what was your last comment Carol?

Deputy City Clerk Johnson stated you would need reports again from the Tax Collector, the Assessors, and the Planning Department in order to deem it surplus and determine it may be something that's only good to an abutter or there may be something else dealing with it.

Alderman DeVries asked do we have an indication whether this is a buildable lot?

Deputy City Clerk Johnson answered no; we have nothing on this. This came in to me June 17th, if you notice the date received. It was handed in over the counter today. I guess we would just ask that we attempt to get reports within the two-week period that set to the next meeting.

Alderman DeVries asked can I add to that as well since this possibly also about some Pond Drive that maybe we include Conservation Commission to take a look?

Deputy City Clerk Johnson stated you're not going to get the answer in two weeks from them.

Alderman DeVries stated how about the 45 days.

Deputy City Clerk Johnson stated I would just...and I have no objection to you doing that, I just also know that there is pressure on this Committee to meet a deadline out at the Board level and 45 days is probably going to be pushing it to be able to send them and get those closings done.

Alderman DeVries stated let me amend that then. If I could get some tax maps forwarded to me from City Assessor's office so I can go by and take a look at the property and...if it's pond frontage or where exactly this is. If they could forward that to me and I'll be prepared for the next meeting.

Deputy City Clerk Johnson stated and in the meantime we will request the report from the other departments for the next meeting.

On a motion of Alderman DeVries, duly seconded by Alderman Garrity, it was voted that the Tax Collector and Assessor's office report back to the Committee on property located in Ward 8, Map 779, Lot 14 at the next meeting.

Alderman Garrity asked may I make a comment Mr. Chairman? I think to have this stuff in front of us tonight and saying we're under a lot of pressure to sell property because we're having a fire sale, I think it's important that we listen to our constituents in our neighborhoods and things of that nature. I realize you know that we have a number in the budget that we have to meet. I understand that and I appreciate that, but to say you know that we've got to sell some stuff

because we've got a balance...sorry wrong answer...but you know we have to meet our requirement that's in the budget. Let's take it you know a little slower, I mean it seems to me that we're sitting here tonight...I mean for something like Riverdale Avenue to come up to me at four o'clock this afternoon offends me.

Chairman Thibault stated we've got four months Alderman. This is not that kind of pressure if you will. I mean appreciate the fact that you're asking for some time to have the Conservation, but knowing the history of what the Conservation Commission has done, is something that we'll probably be waiting until 2010 and don't think we want to wait that long.

Alderman Garrity stated I think what's important is you know we've got a...what did you say Carol it's 54 pages...we've got 60 pages listed here of properties that have been put in front of us and I can certainly appreciate the fact that it took a long time to put it together and Carol you know was printing this stuff at 5:00 PM, but...

Deputy City Clerk Johnson stated these are the same properties that were included in a report you received over a year ago. I would note that also and there was no intent by the Clerk to put pressure on the Committee, I just want to make that known as a fact. We were asked by the Chairman to prepare the report and present it to the Committee this evening. Riverdale Avenue came up to my attention by another Alderman this morning and I tried to gather staff together to get the answers to the Committee this evening as best I could. So I just wanted to note that for the record. This is not...there is not intention to push the committee into any actions but merely to provide you with as much information as we could to then get direction on how the Committee wants to proceed and that...it was not an intent to say go ahead and sell it this evening. I'm not saying that at all.

Chairman Thibault stated the only other thing I'd like to add to what she's saying is that I believe that she's only prepared to give us four or five of the most prepared pieces of land to sell, so that...the list is only for your information to look at and to come back at the next meeting and address those issues. The only thing that she wants to bring up tonight are the ones that are in the forefront that we feel are eligible to be sold. All right?

Alderman Garrity stated yes Mr. Chairman. Carol is wasn't my intent to say that you were pressuring this Committee into selling land, it was my statement saying that I believe this whole Board is under it's own pressure to sell some land because there's a \$650,000 number in the budget. That is what I was...I wasn't intended towards you Carol, I want you to know that. And it's just the Board as a whole is under pressure to sell land because it's a line item that we have to meet in our budget. We're not even in the new fiscal year yet.

Chairman Thibault stated in all fairness Alderman, I believe that any land that the City owns that is saleable should be sold. I don't believe that the City should hold any land, just for the sake of holding land.

Alderman Garrity asked and it doesn't matter the impact on the neighborhoods?

Chairman Thibault stated and I think that was the purpose of the list that we've asked for is so that we can identify every piece and whatever we don't need, why keep it on the books. Get rid of it. That was the intent of that. I'm sorry if...

Alderman Garrity stated okay, and at the expense of neighborhoods too? Get rid of it, it's a fire sale, let's just get rid of everything?

Chairman Thibault replied right.

Alderman Pinard stated I'm looking on Page 6, Groveland Ave. I thought we took care of that a few times ago.

Deputy City Clerk Johnson stated there are some items...let me preface all of this. This is a working document and there are some items that we are still trying to go back and determine. I have ordinances that the Board passed to sell property, but sometimes people back out of those deals and so now you see the properties are still here. There are a few that came to my attention that I know the Board took an action to sell them two years ago, but they never were sold because the person obviously changed their mind, so we still have to go back...you'll notice that I've tried to indicate certain ones for instance say attempted sale to abutter, \$5,000 ordinance lapse, so obviously there is still more to be updated here. I was just trying to at least get you a beginning, and that's all this is, is a beginning. And I have specific properties that people have asked us to look at or that have popped out pretty plainly at us as we were going through this list and those are the properties I guess that I would like to first discuss and then if you want us to look into any other specifics, we would be happy to do so. You're going come back in two weeks, as I understand it and we can address them then.

Alderman Pinard asked do you have a Groveland that was supposed to be sold to the people and then they changed their mind?

Deputy City Clerk Johnson stated I don't know if that's the same map and lot number. Maybe it is.

Alderman Pinard stated we've got to get started, so I think it's a good start because we've got the Wellington Road that we talked about. I think that would be a good one to put on the market as soon as possible.

Chairman Thibault stated before we go any further I would like to have Bob MacKenzie come back up here. He's got something that I think might enlighten this Committee a little bit.

Mr. MacKenzie stated I want to assist the Committee. Land transactions are extremely difficult, complex, and they do affect abutters and if you make a mistake even on a small piece of property, you will hear about it for years from a neighborhood because they remember these things. I do think, and I would suggest to the Committee that they look at this as a two-stage approach. Pick four parcels that are mostly likely cover the budget number. We are for example looking at the Canal Street garage. The staff has been working diligently on it and even that could cover 80 percent of the number that you're looking at if that could be sold. It take tremendous staff time and the staff of the departments don't have that time right now, so if the Committee would help us onto three or four parcels that would cover the deficit, after that, after the deadline is up in October, the Committee can go back and I think you should look at every one of these parcels because eventually they have to be eliminated. But the last time we did a comprehensive review of the properties, which was 1997-1998, it took three years and thousands of staff hours and most of the departments now have fewer staff people than we had back then. So if you could help us focus our energies, City Clerk has put a tremendous amount of time in just getting this list ready. I think if we had four properties that could cover that number of \$650,000 that would give us a shot at making the deadline of October.

Deputy City Clerk Johnson stated I guess the next property...I don't have the map and lot number to the next one but it was a site off from Wellington Road that the Assessors had looked at earlier to day. It was the same property that was discussed as a potential site for the Senior Center. I know that Parks and Planning have both indicated in the past that it should be held for parkland.

Mr. Nichols stated I have a handout.

Deputy City Clerk Johnson asked do you know the map and lot number?

Mr. Nichols answered Map 645, Lot 10.

Chairman Thibault asked Ron do you want to speak to that piece, or do you want to wait until after we've looked at it?

Mr. MacKenzie stated we are aware of the Old Wellington Road site. We reviewed it for the Senior Center and looked at it, we are familiar with it. We do believe it would be a very saleable property. We're aware of some interest in the property, and it could potentially bring significant money both in sales and

property taxes to the City. There is a question, and I think you should listen and maybe discuss the issues that Ron Ludwig would have. You know he has struggled for years to try and find additional parkland and you should at least consider that item. But it is a property that the City probably could sell very quickly for a fairly significant amount of money. I also believe that maybe we could at the same time look at some of our affordable housing needs. For example, if we asked for proposals from organizations that might have a portion of the units sold that would be affordable to make sure that we have affordable housing in the City. I still think we'd get some good responses that would pay us both for the sale of the property and would pay us full property taxes. The Board would have to move fairly quickly on this though. I know four months sounds like a long time, but there would have to be work done. In fact the Board would probably have to rezone a portion of the property to multi-family. Most of it is multi-family now, but the Board would have to take an action and that would take some time. So if the Board decides that they do want to consider sale, they would have to act fairly quickly on it.

Alderman Garrity stated I'm using your comp sheet here. Comp number four, that's the property on South Beech Street? That's Lisa Lane? That sold for \$775,000? Is that the sale price that we are looking at?

Mr. Nichols replied yes. What we try to do is give the Aldermen a good idea what the parcels are selling for per acre. The subject site has 9.6 acres and if you multiply even comp one, which is \$36,000 per acre, times 9.6, you're talking around \$300,000 or \$400,000. So hundreds of thousands of dollars could be taken in by this property if you were to sell it. We didn't know that the Aldermen wanted to sell and we don't know what the highest invest use of the property yet, so we can't give you a value yet.

Alderman Garrity stated just a follow up. I guess with a piece of property like this, what's the process we have to follow? Obviously we hire realtor or I guess if that's what you call it.

Deputy City Clerk Johnson stated it would be public auction.

Alderman DeVries stated I'm very interested in pursuing the proposals for affordable housing in that area. We do have a City park right down the street from this in Derryfield Park and I know this is not an area that has been designated as the high priority to establish new parks so, landbanking there when there's no funding available. It wouldn't be my priority but affordable housing as long as it is staying on the tax rolls, and it is an outright purchase, I would be interested in pursuing. So I would like to make a motion that we...

Chairman Thibault stated before we make a motion could we have Ron Ludwig come in to explain something about that piece of property.

Parks & Recreation Director Ron Ludwig stated that's just a generic letter so that the Parks Department can be on record in terms of everything that's going on as we go through this process. Again for us too, the timing of this was like well there are several issues coming up this evening, so can you be there. So I'm under the same kind of gun that Alderman Garrity was under. I do have some specific letters prepared for specific areas, but for this one I do not. But the Parks Department has looked at the parcel in question and kind of kept quiet about it for several years. As you're probably aware, it's a portion of Steven's Park until the interstate went through and then it kind of got sectioned off. What we're experiencing over there, we've had several requests over the years from the people at East Recreational Soccer, which has also used the Steven's Pond area by Central High School. So it's a very...we've walked the area several times and it's a very nice piece of property as you get through the initial brush off from I believe Karatzas Ave. or whatever that is. It's a very nice meadow. There's not a lot of trees in it once you break through that initial shrubbery area there. There could be some potential for complaints in terms of the neighbors when we bring what we consider to be recreational use to an area, but it seems to be minimal in as far as we looked at it. So the good issue as it relates to parkland is one it provides additional opportunity for east and let me go a little deeper than that for the sake of the Aldermen that are struggling in the south end of the City right now with land. It's east, which is Patten Field and south, which as Alderman Garrity knows the restrictions over there relative to behind Wendy's and the Nutts Pond area and what that looks like. It's these two groups that are being asked to accommodate all of your children in the southern tier right now. So when you say that maybe there is a better opportunity to sell this piece of property as opposed to creating it into another facility, I would speak against that. I would say that until you find something for significant size in the south end, which Alderman DeVries is trying diligently to do, as we all have been, I think that you're missing a golden opportunity when you sell this piece of property. Certainly if it was for sale the City would be interested in buying it or probably could not afford to do that, so in our opinion it provides a better opportunity for recreational space. It's easily developable. The other issues over there is when you go and do construction over there you're going to be looking at sound mitigation in our opinion to whatever kind of units you put up there given it's proximity to the highway. That's not something that the State looks favorably upon. Not something that we really have to be concerned about, but I think that we should at least think about. So yes does it get us a commitment for more open space in an area that desperately needs itself? No, but east...believe me as much as the Nutts Pond area which is just deplorable, would at least be able to help in this area, but we don't have, and we haven't been able to come up with a prioritized list that says lets go in a develop

the land. Now why did we stay quiet in terms of Senior Center use, because we kind of just bit out tongue and said the Mayor and Aldermen were struggling so desperately to find a site for the Senior Center we didn't feel that at that point they needed another group to chime in and say this probably isn't a good property for that either. But in the background we were kind of hoping it wouldn't be chosen as a site quite frankly, although it might have made a good one. So that's the reason we didn't come forward during those discussions, however, we still have always felt as we still do now, that it is a prime piece of property for recreation. And it is a prime piece of property that could be sold for housing too, and there's no arguing that, however, it's what we feel you have to do is right. And we are approached by league after league, after organization after people that start new programs, be it lacrosse, be it whatever it is, for space and for me to not come here tonight and at least express my concerns on behalf of those people that come to us on a daily basis, would be remiss. So that's what I'm here to tell you about and whatever the pleasure it is of this Board to do, then so bit it. But that's all I have to say.

Chairman Thibault asked at this point is there anyone that wants to make a motion to do anything with this?

Alderman DeVries stated I think I had made a motion that we go forward with the proposals for affordable housing units on the property. Unless the City Clerk tells me that.

Deputy City Clerk Johnson stated before you complete this motion; you need to really...something of that magnitude needs to be assigned to somebody other than the Clerk's office. It's not our area of expertise.

Chairman Thibault asked so we send it to Planning or what?

Mr. MacKenzie replied I'm a little hesitant because of the fact that our staff has been cut and we're struggling to make ends meet. This is an important property though and we'd be happy to try and work on that although you may have to bear with us on some other assignment.

Deputy City Clerk Johnson stated perhaps you could have them coordinate with MEDO because they have an intern in there and perhaps they could help out. I'm asking Mr. MacKenzie.

Mr. MacKenzie asked help from MEDO? That would be fine.

Deputy City Clerk Johnson asked would you want to include that as part of the motion to refer it to Planning and MEDO?

Alderman DeVries made a motion to refer this to the Planning Department and MEDO to pursue proposals for affordable housing units on that property.

Alderman Garrity asked so are we going to put a time limit on when we're going to hear from Bob's office or how is this going to work?

Mr. MacKenzie answered what we could do Alderman is actually I would like to draft a brief proposal, request for proposals for your review within the next two weeks. And basically it's going to say we're looking for proposals for housing on this property, the Board would rezone the property to the appropriate zone, we're looking for full property taxes on it because of other budgetary issues, and we're looking for at least a percentage of the units to be affordable housing. And that would be a proposal that we would...I think we need full Board approval to do that, but we would have it drafted and ready to go as soon as the full Board acted.

Alderman Garrity asked are you saying that that's not zoned properly up there for housing?

Mr. MacKenzie answered roughly 70 percent of the lot is zoned appropriately. There is 30 percent that's zoned single family, so we would extend the zoning to include the entire parcel.

Alderman Garrity asked and the fact that it's not zoned properly, how much does that delay the process?

Mr. MacKenzie stated I don't think it delays the proposal process. Anybody interested in purchasing it would have the expectation that the Board would carry through with that. Right now we're looking for a purchase and sales agreement by October to meet the Finance Department requirements. So that could be a condition of the purchase and sale agreement.

Alderman Garrity asked and the fact that a portion of the property needs to be rezoned, does it affect the potential purchase price?

Mr. MacKenzie answered I would think if the Board is intent on rezoning it that they'd ask for an estimate of value from the Assessors based upon the proposed zoning.

Chairman Thibault asked could we do this in conjunction with what Planning is saying Tom so that this all comes together? Okay so there's a motion on the floor.

Alderman Pinard asked Ron while this discussion is going on, can the Parks & Rec come up with some kind of a plan in case something would happen? Maybe Parks & Rec can come in.

Chairman Thibault stated well I think Ron already gave his view on this parcel. I don't know what else you'd want there.

Alderman Pinard asked how about Bob MacKenzie in Planning? Can you work out something with Ron just in case something would happen in the decision in zoning?

Mr. MacKenzie replied I think at this point there's no funds to make park improvements on that site. If the Board ultimately...if the Board doesn't get any satisfactory bid offer on the property, then the Board could say okay we're going to hold this for Parks and we're going to eventually work up plans to develop it.

Chairman Thibault stated I'm sure there'd be a minimum bid Bob that they would have to meet.

Chairman Thibault called for a vote on the motion and it carried with a unanimous vote.

Deputy City Clerk Johnson stated another property; actually there's a variety of properties that I would bring to your attention. They start on Page 9 and they go through Page 12. They are all tax-deeded properties that are located on top of Wellington Hill. It was actually the Highway Department that brought this to my attention because they are looking for places to dump snow, so they took an earlier version of this list this morning and started working on it. Obviously they don't want to dump snow up there, although they said it would be a great place to put their facility so they'd have a nice view, but aside from that. So I did turn it over to the Assessors this afternoon. I don't know that Mr. MacKenzie has ever seen any of this or realized that the list contained a whole bunch of properties up there. My suggestion might be that again this is a potential that we would need a report back in a couple of weeks from staff to at least determine that it's all contiguous and I don't know unless Assessors is prepared. I know I gave it to you late today so I don't know if you've...

Chairman Thibault stated I spoke to Steve Tellier this afternoon and he tells me that although there is a large parcel of land out there, say if you put them all together, that it is extremely ledges and there are a few properties up there that have run into some major problems in putting in sewerage and water and whatever. So that if the City were to merchandise this I'm sure that would have to be taken into consideration by any developer, so that...I don't believe that it would

bring in big, big dollars. However, it's certainly a parcel that I would like to see put on the rolls to sell and with today's construction designs and stuff that they have, they can build anything almost anywhere. So that...I think to me I'd like to see this land go up for sale if somebody will make a motion to that effect. I'd like to see that land go up. That's way up on Wellington Road. All that land from Page 9 to Page 12. There's several lots there, I don't know exactly how many.

Alderman Pinard stated that's in two wards. That's in Ward 6 and Ward 7. I am very familiar with the area. Yes I will make the motion.

Alderman Pinard made a motion to sell the parcels on Wellington Road as discussed. The motion was duly seconded by Alderman DeVries.

Chairman Thibault asked would that be sold in public auction Bob?

Deputy City Clerk Johnson stated we would refer it to public auction unless there's...and if there's something else we would come back to the Committee if we...

Deputy City Clerk Johnson stated and that is at the minimum bid to be set by the Board of Assessors.

Alderman Pinard stated I have a question. If somebody comes up, does it have to be public auction or can somebody make an offer?

Chairman Thibault replied well it would be faster to sell it through public auction and it won't have to go through the whole gambit. Is that right?

Mr. MacKenzie answered if there's another public purpose specifically, proposals can be made and the Board has sold other properties for other purposes like was discussed with the Moore Center tonight.

Chairman Thibault called for a vote on the motion and it passed unanimously.

Deputy City Clerk Johnson stated I think there was one other property that we were going to bring to your attention tonight and I'm trying to remember what it was. Oh yes Hanover Street. That was why we called Ron. There has...An Alderman approached us today and suggested that perhaps there's a parcel of land on Hanover Street that could be sold and I'm not sure what the map and lot number is on it, but...

Mr. Nichols interjected Map 233, Lot 8.

Deputy City Clerk Johnson stated and Mr. Ludwig can address what it presently is I'm sure.

Mr. Ludwig stated I have some more handouts for the Clerk. Just to orientate the members of the Committee a little bit. This is the parcel of land located across from the Hannaford Store on Hanover Street. We've had over the years several requests from realtors to purchase this property, probably hundreds. Most of them, in fact all of them have been refused based on this is contiguous to the golf course and a part of the Derryfield farmland. As you well know, Derryfield Country Club is a very old facility. It's built on about 112 acres of land. Today we don't build golf courses on anything under a 150 acres of property. So we struggle with issues relative to the fact that we live in a very busy area, we have a highway that divides the golf course into two defined areas that buffer the golf course quite frankly are few and far between. So this has been a very important piece of property as it relates to the golf course. We have water services that come in through across that lot to the lower holes of the golf course, and we have plans. In 1998 we undertook a master plan for the golf course. We had Brad Booth from Maine along with his team of engineers who analyzed the entire golf facility including the country club, the irrigation system, the layout of the holes of the golf course. One of the things he brought forward, and again this is not something that's unusual on old golf courses is that our holes are very close together, and what that means is the center lines from one hole to another they really can't understand why some people aren't actually getting hit with a golf ball from one hole to the other. One of his proposals to utilize this piece of property in what effectively would be the northeast corner of the property, was to relocate the 16th green in that area. Which would only take up a small portion of the property. What did that do for us? That effectively allowed us to move the 15th tee over to where the 16th green would have been, or is now, and it opens up and makes a much safer area down in those holes. Good thing about that is we could build a green as time and money permit, whatever we wanted to, without having any adverse affect on the golf course as it exists now. So that's a wonderful thing, and quite frankly it was a beautiful feature that they brought through for us to be able to create in the golf course. The piece of property...the western part of the property we looked at towards in the future gives us access to the brook that we need access to. The only way that we can get to it is from the Hanover Street side given the peat moss located on the other side of the bridge which just doesn't allow us to get heavy equipment down there. So for us to come in and even get permits to clean and dredge that pond is not possible from the golf course side. This would basically restrict any opportunity we have to come in from Hanover. That's all filled property, all the peat was taken out of there many, many, many years ago before conservation was really an issue and refilled. So it looks like a pretty nice inviting piece of property, but there are a lot of things that the golf course would benefit from by retaining it. We even looked at putting...recently

you know that in conjunction we had some issues with putting a new maintenance building up at Derryfield. We did find a location for one off of Burgess Street, but we need to get access from Mammoth Road, which is costing us a little bit more money. Some of the other caveats that we had to give into with the neighbors in terms of being able to locate the building there was a huge setback from Burgess Street of 150 feet, which is pretty ridiculous quite frankly. We would have been better off to come to the Planning Board, I think we would have been given more relief than if we just went to the neighbors. But that's the way we did it. The site that will have to exist on the maintenance building is very restricted in terms of anything that we could put on there. An extra pile of loam, an extra pile of stone, or anything else, so the Hanover Street lot comes into play even more than it did before as a very important parcel as it relates to the use the golf course. I just can't say enough about the parcel and I don't even want to get into access at that intersection and it's probably a failure now if it's not a Level F I'd be surprised in terms of the traffic that's up and down Hanover Street and coming out of that McDonald's and whatever else now. To add any kind of a business other than what we'd bring to the property to me would be a real stretch. But that's my plea.

Chairman Thibault asked as part of your master plan, how long of a wait do you anticipate before you do any work with this? Do you have any idea for where that's going?

Mr. Ludwig answered again Alderman. The reason we did the master plan for the golf course was to be able to put together a plan that allows us to do some budgeting. Right now it's important for us we've been working on drainage issues. On the west side of Mammoth Road we've been working on irrigation improvements, we did undertake a few projects relative to the redevelopment of the 7th green complex, the 8th green and the 12th. Those were really the ones that were in the worse shape, however, you know this could be as quickly as six months, it could be a couple of years for an honest answer.

Alderman Pinard stated Ron just a question that I've been asked a lot of times. Why is that land vacant in that area? I tried for the Senior citizens at one point any you mentioned earlier that there are a shortage of softball fields that we know, and I know. Is there a reason why you can not make a softball field out of that.

Mr. Ludwig answered Alderman Pinard I don't believe that given the layout of the land you would get a softball field in that area. Just given the rectangular shape that it has. If you did you would probably have to hit towards the golf course, I would imagine, and it wouldn't fit in that area as would be my suspicion.

Chairman Thibault asked is there any motion to do anything with this land?

Alderman Pinard stated I'd like to make a motion to table it, I guess.

Deputy City Clerk Johnson stated right now the Board has designated that as parkland. So it is on the books as park land, it's not part of...

Chairman Thibault asked so we just leave it there then? No motion is needed?

Deputy City Clerk Johnson replied right.

Chairman Thibault stated okay why don't we just leave it there for now and we can always look at it later.

Deputy City Clerk Johnson stated I guess at this point the Clerk would have the question of how you would like us to proceed from here? I don't have anything further to bring to you tonight.

Alderman Garrity stated I have a couple of suggestion. I think we should...I don't know the answer to this, but Carol maybe you can help me on this. Everything listed on here. Are they buildable lots?

Deputy City Clerk Johnson answered no. Some of them may not even exist.

Alderman Garrity stated I think we should start with buildable lots first. I think to...

Deputy City Clerk Johnson stated in order to...let me just explain...I guess let me just explain the process on this. For every single parcel here that there is no notation on, okay, some of them may in fact have buildings on them because some of them list outbuildings, so they may be something that the City has there. We don't even know that. We've sent this out to departments and we've gotten some responses and I've noted those on there but we have departments that haven't looked at it or responded or whatever. If there's a lot that says vacant land, in some instances when we've gone to look for that parcel, it's what we call a phantom piece, it either doesn't exist or we can't find it or when we do the legal review on it we find that there isn't clear title to the City, we can't find where it turned over to the City. There were a couple of parcels to that degree that fell in the Riverdale area actually so they would have been pulled until such time as we could clarify that. The Building Department is the one that would have to go back and do the history as to what the size of the property is and when it was in existence, or what it was before the 1968 ordinance and then subsequent ordinances to that, which might have changed whether or not it's buildable. So each individual lot would have to be looked at. That's not something that's going to be done in five minutes obviously, there's a substantial amount on the list. I

think that we can narrow the list down some more if we get a few of the departments together perhaps to at least identify certain things that we know. I know for instance there's a River Road property we've tried to sell three times since I've been in the Clerk's office. Obviously it's not a very desirable piece except to the abutter and the abutter doesn't really want it. Well one did and he sold the property in the process. So those are all issues that come up as you go through these. So you really have to take them a piece at a time unless people are aware of things which some Aldermen may be aware of things in their particular wards as well.

Chairman Thibault stated Carol I think the Alderman brings up a good point though. Could we start with asking the Building Department to identify all buildable lots? Would that be a big process?

Deputy City Clerk Johnson replied it would be a big process, but you could certainly ask them to do that.

Chairman Thibault stated we should ask the Building Department to identify all buildable lots and come back to this Committee with that list, if we could. Is everybody in agreement with that?

Alderman Garrity replied yes Mr. Chairman, and I think obviously there's a lot of lots, there's a lot of land, I mean we don't need all kinds of land in front of us each month. I think between the last two motions I think we're getting pretty close to that \$650,000, in my opinion. I think it should be just a monthly item on the agenda, is that we have these three lots, these are buildable lots, they're vacant, they're owned by the City, what do you want to do with them? It will be a monthly item that...this way City departments aren't overwhelmed, the City Clerk's office isn't overwhelmed, Tom Nichols isn't overwhelmed, and things like that.

Deputy City Clerk Johnson stated I guess my question is at that point...I think first of all this list need to be...I need to go through it with a few more people to make sure that they're not... I don't want the Building Department to be looking for buildable lots on stuff that doesn't make sense for them to be looking at, I guess. That's the first thing. Secondly, I guess I would note that there was at one time a committee of staff that used to get together by order of this Committee. That has sort of fallen by the wayside over the course of time. It was made up of Planning and Solicitor and MEDO and Assessors and a variety of departments including the Clerk's office. And what we would do is go through that list and try to identify a few parcels here and there. The problem is that everybody becomes overburdened and it's not the top priority on their list to do, things to do today sort of thing. So I guess I can try and narrow the list down and then give it to the Building

Department and if they can identify some buildable lots and then we can proceed from there on. If that's the direction you want to try and hit.

Chairman Thibault stated I guess that's if the Committee would like...we don't have to make a motion to that?

Deputy City Clerk Johnson replied no you don't. We'll just proceed.

Chairman Thibault asked can I just say one thing before anybody else says anything here? I want to make the Committee aware of that the City owns an awful lot of land that is very small. Some are 10 feet wide by 30 feet long or 20 feet wide by 10 feet long and I just talked to the attorney tonight about trying to find some way that most of the people that don't want to take over this land because they will then be taxed on it, is there a way that we could devise...look we'll give you the land, you won't have to pay taxes on it, and just keep it up. Right now it's on our rolls. We're not getting taxes for it, we probably never will, and that land stays on our books for nothing. If we gave it to someone that at least keeps it up, it beautifies the City and it gets it off from this roll. And we're talking about pieces that you can't do anything with and I'm just throwing this out as an idea that it might be a good way for us to get rid of a lot of this junk that's in here that we can never use.

Alderman Pinard asked Tom could that be what you call Quit Claim deeds, or something like that?

Mr. Arnold answered it could be done in a number of fashions. I did speak to Alderman Thibault; the question I have is whether it could be done tax-free. I don't believe that it could be, but I will look into that and get back to the Committee.

Alderman Pinard asked Carol, are all of the Aldermen going to get a copy of this, the big one with all of the properties?

Deputy City Clerk Johnson answered yes. We can do that.

Alderman Pinard asked wouldn't it be easier, just a suggestion and I will do it, look at all of the sheets, take every one that's in my ward and then I'll either give it to the Building Department or with your Carol and I think that we have got to try to simplify this in a manner that nobody will get confused. And I think that if each Alderman takes the time to do this, I think we can probably do this orderly and then...

Deputy City Clerk Johnson stated well we can provide it to all of the Aldermen and if they have any knowledge about the parcels that have no comments on them, they could certainly then notify us and that would be how...

Alderman Pinard stated we could ask them. I think if we all work together I think...we need the money and I think this is one way to expedite this type of program. What do you think Mr. MacKenzie?

Deputy City Clerk Johnson stated we will update the list a little first before we send it out. I do have an item of New Business before you adjourn.

TABLED ITEMS

Chairman Thibault addressed Item 8 of the agenda:

On a motion of Alderman DeVries, duly seconded by Alderman Garrity, it was voted to remove Item 8 from the table.

Request of Crystal Lake Preservation Association relating to various lots on Tax Map 506.

(Tabled pending information from the Conservation Commission.)

Alderman DeVries stated I would just ask have we heard back from the Conservation Commission?

Deputy City Clerk Johnson answered no I have not.

Alderman DeVries stated I thought you were asking us to take it off the table.

Deputy City Clerk Johnson replied no, I was just saying that you had tabled items. I know that the Planning Department is prepared to report on number 10 I think.

On a motion of Alderman DeVries, duly seconded by Alderman Garrity, it was voted to put Item 8 back on the table.

9. Communication from Deputy Solicitor Arnold regarding Jefferson Mill Air Rights.

This item remained on the table.

Alderman DeVries made a motion to remove Item 10 from the table. There was no second to the motion.

Report of Planning Department regarding acquisition of the Wiggin & Nourie building.

(Tabled 5/13/03 pending a detailed report on the financial impact of buying the building, information on subleasing the building and a response from the School District as to their potential interest in the building.)

Alderman Garrity asked Mr. Chairman?

Chairman Thibault asked can we get a motion to second?

Alderman Garrity stated well I have a question first. Was the realtors notified that this was going to come off the table and that we had a report?

Deputy City Clerk Johnson answered I did not know we had a report. I would have to say no. Unless Mr. MacKenzie informed them because he's the one that has...

Alderman Garrity stated I'd like to leave it on the table for that reason.

Chairman Thibault asked do you have anything on Item 10? The Wiggin & Noury building?

NEW BUSINESS

Deputy City Clerk Johnson stated we received today in the office from the City Solicitor's office he had received a communication from a person who wants to donate a parcel of land for park purposes and has indicated that they want it as a dog park, and I know that Mr. Ludwig is here and perhaps he can address it. The issue of the dog park.

Mr. Ludwig stated again this is brand new to me. I don't think the issue is a dog park really, I don't have an issue with a dog park. Certain communities have tried them so I can understand...I'm not sure the City wants to be in this business. But with all due respect, because I think that the people that proposing, that have brought this proposal in probably feel they are doing a very nice thing for the City. But I think here we are sitting around saying that these little pieces of property are more of a nuisance than not. With all due respect to the people that are here because I think they are. We will take a look at it.

Alderman DeVries asked so somebody is here representing the gift?

Deputy City Clerk Johnson replied I don't believe so.

Mr. Ludwig stated I would suggest that you let us deal with it.

Deputy City Clerk Johnson asked could you bring a report back?

Mr. Ludwig answered we will send something back to the Committee. That's fine.

Alderman DeVries asked I was just wondering the size of the property?

Mr. Ludwig replied I just found out from Tom that it is about 4,500 square feet, and again, as we've dealt with these small most generous gifts I understand in the past, is that they create what we call pocket parks in certain areas that are more difficult for us to maintain, really difficult. And although it's a nice gesture, I sincerely mean that, sometimes they just don't work well for us. But we'll look at it.

Alderman Garrity stated I'll look at it with you Ron. That's in my ward so I'd like to go see it.

There being no further business to come before the Committee, on a motion of Alderman Garrity, duly seconded by Alderman DeVries, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee